

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5/21/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES,	:	
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-v-	:	1:19-cr-477-GHW
	:	
ELIOT MARTINEZ,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
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GREGORY H. WOODS, United States District Judge:

On April 14, 2021, the defendant was sentenced principally to a term of imprisonment of 121 months following his plea of guilty to a charge of conspiracy to distribute and possess with intent to distribute cocaine.

The defendant's sentencing guidelines range was 121-151 months' imprisonment, based on an offense level of 29 and a criminal history category of IV. The Bureau of Prisons currently projects that the defendant will be released from prison on April 15, 2027.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission ("Sentencing Commission") amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023. Defendants whose requests are granted by the courts can be released from

prison no earlier than February 1, 2024.

The defendant has made a motion for reduction in his sentence that was docketed on March 6, 2024. Dkt. No. 56. The Probation Department has issued a report indicating that the defendant is eligible for a reduction.

Pursuant to the standing order of the Chief Judge of this District, the Federal Defenders Office has been appointed to represent the defendant in this Court's consideration of whether the defendant's sentence should be modified in light of Amendment 821.


IT IS ORDERED that no later than May 29, 2024, the Government shall file a statement of its position on the motion for modification of the Defendant's sentence.

IT IS FURTHER ORDERED that the defendant shall file his response, if any, no later than June 12, 2024.

The Court's intention, unless it orders otherwise, is to resolve this motion based on the parties' written submissions.

SO ORDERED.

Dated: May 21, 2024
New York, New York


GREGORY H. WOODS
United States District Judge